

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VICTOR JACKSON,)	
)	
Plaintiff,)	8:06cv646
)	
vs.)	MEMORANDUM AND ORDER
)	
JOHN HUBBARD, et al.,)	
)	
Defendants.)	

On October 10, 2006, the plaintiff filed an action complaining about his classification and his placement in segregation at the Douglas County Correctional Center ("DCCC") while he was housed there as a federal pretrial detainee. The plaintiff moved for leave to proceed in forma pauperis ("IFP"), and, in a Prisoner Payment Order on October 13, 2006 (Filing No. 5), the court ordered the plaintiff to pay an initial partial filing fee of \$7.16 by November 24, 2006. The court warned the plaintiff in Filing No. 5 that, in the absence of the initial partial filing fee by the stated deadline, this case could be subject to dismissal. Filing No. 5 also notified the plaintiff of his duty to keep the court informed of his current address at all times while this case is pending.

The plaintiff never paid the initial partial filing fee, and never notified the court when he left the DCCC. Then when mail from the court to the plaintiff was returned, the court became informed that the plaintiff was somewhere in transit in the custody of the Bureau of Prisons. The court has never heard from the plaintiff. Therefore, the above-entitled action will be dismissed as abandoned and for lack of prosecution.¹ The dismissal will be without prejudice, in the event the plaintiff decides to file a new case, but this case will not be reopened. Judgment will be entered accordingly.

SO ORDERED.

DATED this 8th day of February, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."